THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.20929 of 2005

DATE : 3-10-2005

BETWEEN:

Ahmed Nawaz Alladin

… Petitioner

And

The Commissioner, Municipal Corporation of

Hyderabad, Hyderabad and others.

… Respondents

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WRIT PETITION No.20929 of 2005

ORDER:

The petitioner claims to be one of the Trustees of Alladin Charities & Zakat Wakf, Hyderabad, which was formed for the benefit of Muslims and was managed by Board of Trustees. At present, the fifth respondent herein is the Chairman of the Board of Trustees. The petitioner alleged that fifth respondent is acting highhandedly and therefore a writ petition being W.P.No.24843 of 1996 was filed before this Court. This Court, in the said writ petition, directed the third respondent, A.P. State Wakf Board, to conduct enquiry into the matter. The Enquiry Officer appointed by the third respondent conducted enquiry and submitted a report on 01.11.2003 allegedly recording finding that fifth respondent committed several irregularities. Based on the said report, a show cause notice dated 11.1.2005 was issued to the fifth respondent with 47 allegations.

The fourth respondent Wakf made a representation on 08.2.2005 to the third respondent seeking permission for construction of Ground + 2 floors attached to

Alladin Charities situated at Rikabgunj, Madina Building. By proceedings dated 01.6.2005, the third respondent granted permission to the fourth respondent subject to conditions that the expenditure has to be incurred by the Managing Trustee, that the work should be completed within 12 months and that after completion of the construction necessary changes shall be incorporated in Wakf record. The proceedings dated 01.6.2005 also contain two important conditions. These are i) necessary permission from Municipal and statutory authorities shall be obtained ii) the construction work should be in accordance with the plan. The petitioner herein challenged the permission granted to the fourth respondent by filing W.P. No.12995 of 2005. He also filed W.P.M.P. No.16492 of 2005 for interim suspension of the proceedings of the third respondent dated 01.6.2005 granting permission to fourth respondent for construction of Ground + 2 floors. By an order dated 06.7.2005, this Court suspended the proceedings dated 01.6.2005 issued by the fourth respondent. In this writ petition, the petitioner alleges that in spite of the suspension order granted by this Court, the fifth respondent is making illegal constructions whereupon the petitioner made representation to respondents 1 to 3 complaining about illegal construction, in vain. Therefore, he filed the present writ petition.

After hearing the learned Counsel for the petitioner, who made elaborate submissions, this Court is convinced that this writ petition is filed without any cause of action and without any factual foundation. When the petitioner is already challenged the proceedings dated 01.6.2005 of the third respondent granting permission to the fourth respondent for construction of Ground + 2 floors and the same was already suspended, nothing prevents the petitioner to file a Contempt Case against the fifth respondent, who is admittedly Managing Trustee and who is also arrayed as respondent No.7 in the earlier writ petition. The petitioner can even file an application seeking appropriate orders restraining the respondent Nos.4 and 5 from proceeding with further construction. Without doing so, for reasons which are not disclosed to this Court, the petitioner again chose to file the present writ petition. If this writ petition is admitted, it would be futile and lead to multiplication of the cases and therefore, this Court is not inclined to entertain the writ petition.

The writ petition is, therefore, dismissed. No costs.

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(**V.V.S. RAO**,**J**)

October 03, 2005.

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